

# EXHIBIT 9

**Update on 2016 Recommendations to Improve Sexual Violence  
Prevention and Response at Utah State University**  
*Updated Aug. 24, 2018*

The following recommendations were made as part of an internal inquiry into allegations of multiple sexual assaults by former USU student Torrey Green.

The original [recommendations](#) were released in late August 2016 and provided a blueprint for the next year's efforts to USU's prevention of and response to sexual assault and other forms of sexual misconduct in the USU campus community. In addition to the recommendations and action items provided to the public in summer 2016, this update provides the finding associated with each recommendation, as well as an update on our effort to address each recommendation.

**1. Centralize and coordinate oversight and responsibility for sexual assault prevention and response**

Finding: The inquiry found that USU's approach to responding to and preventing sexual assault was siloed and that the departments responsible for investigation, adjudication, discipline, and advocacy had poor and irregular communication. This lack of coordination contributed to shortcomings in information sharing and coordination of response efforts. The inquiry also found that there was a lack of clarity on which offices were responsible for receiving and responding to reports of sexual misconduct.

Recommendation: Create a permanent coordinating committee to ensure effective implementation of investigation and adjudication processes, training for faculty and staff, education of students, prevention efforts, and other related Title IX compliance efforts.

Status: USU formed the Implementation and Coordination Committee (ICC) in the fall of 2016. In January 2017 the ICC was formally made part of the University's committee structure that falls under the USU Sexual Violence Task Force. The ICC has met regularly once a month since the fall of 2016. Membership has expanded over time to include a diverse, interdisciplinary group of employees and practitioners. During the monthly meetings, the ICC discusses response processes and procedures and any needed changes. The ICC also discusses trends in incidents of sexual misconduct within the campus community and potential barriers to reporting. Numerous initiatives have been coordinated by the ICC including information campaigns on consent, USU's amnesty policy, and most recently a Start by Believing campaign. Smaller groups such as the Title IX Coordinator, USU police, and student conduct meet regularly (weekly or bi-weekly) to discuss and coordinate management of specific cases and reports of sexual misconduct.

**2: Ensure that all faculty and staff comply with reporting obligations**

Finding: The inquiry found that multiple responsible employees failed to report information reported to them regarding sexual misconduct. The inquiry further found that employees did not adequately understand their reporting obligations, to whom to report, and what information must be reported. This confusion appeared to stem from inadequate and inconsistent training.

Recommendation: Evaluate current sexual harassment training materials for effectiveness, including clear instructions for how and where to report incidents of sexual misconduct.

Status: In September 2016 USU revised its mandatory sexual harassment training materials to include an increased focus on responsible employee requirements and adopted on an online delivery system for its sexual harassment training to make the training more accessible for faculty and staff. Employees completion of this training is tracked to ensure all employees complete the required training.

USU also created new materials to provide guidance on the role of university employees as responsible employees (see <https://aaeo.usu.edu/sexual-misconduct/responsible-employee>, with handout link) and information about how and where to report. New online reporting links have been added to numerous pages within the usu.edu website, including the homepage for AA/EO and Title IX, the sexual misconduct landing page, the Student Conduct home page, etc. Information about reporting has also been incorporated into a number of resource materials, including guidance for working with students of concern, which is provided to all faculty.

Additionally, USU provided targeted responsible employee training to Housing and Residence Life staff, department heads, Student Affairs employees, and academic advisors. This training has also been provided to several academic departments (faculty and staff). In addition, all responsible employees received an email reminding them of their reporting obligations and providing instructions to complete voluntary supplemental training, which was created by the Clery Center. Moving forward, the ICC, guided by the Title IX Coordinator, will develop additional responsible employee training materials specific to USU and will continue to provide in-person “booster shots” of training on this important topic.

### **3: Develop education opportunities and improve notice of policies so students and the entire campus community understand reporting options at USU**

Finding: A review of policies and procedures, as well as office websites, revealed that the information provided regarding USU’s policy and reporting options was not user friendly and did not adequately explain the difference between confidential and nonconfidential resources or the limitations of anonymous reports.

Recommendation: Expand current training and education opportunities for USU students regarding the nature and meaning of consent, bystander intervention, USU’s policies and procedures, and confidential, non-confidential and anonymous reporting options at USU.

Status: USU’s Prevention and Training Working Group reviewed USU’s current student training materials, as well as other options for sexual misconduct training. The Working Group recommended that USU continue with its current primary prevention training for students but that it make this training mandatory for all incoming students. The working group also recommended that USU adopt an in-person prevention program to be provided to higher-risk student populations. Finally, the working group recommended that USU create a position to manage these training efforts.

In response to these recommendations, USU made its online primary prevention program mandatory for all incoming students those who did not could not register for a future semester. In fall 2017, approximately 97% completed this training. Additionally, working with the Utah Department of Health, USU adopted the Upstanding Bystander Intervention program. This program is tailored to Utah students and addresses important issues such as rape myths, implicit bias, and how to intervene when a person is being harassed or is at risk of sexual assault or other forms of misconduct nearly 3,000 students have been trained since fall 2017. Further, USU has added a training and education coordinator position to ensure consistent and sustained implementation and evaluation of both training programs. This position will be housed with the Title IX Coordinator in the Affirmative Action and Equal Opportunity Office and the position is expected to be filled by fall 2018.

USU also created a sexual misconduct website that provides information about USU policies and links to other campus resources (<https://www.usu.edu/sexual-assault/>). USU also significantly revised and updated the website for the AA/EO Title IX Office, adding helpful information about navigating the Title IX process and answering frequently asked questions. Websites for the Sexual Assault and Anti-Violence Information office (the victim advocacy office) and the USU police department were also updated and expanded to provide additional information about services and the process for reporting.

And, to ensure that information is available in a variety of forms, USU developed a discrete pocket-sized resource guide, which is available in restrooms and a number of offices and is also widely disseminated at USU programs and activities, as well as by USU police and the AA/EO Title IX Office. All of these materials highlight which offices and services are confidential and which are not. Finally, USU has used social media, op-eds with the student newspaper, video boards, etc. to communicate important elements of its process including its amnesty policy and 10 Things to Know About Title IX.

#### **4: Improve recordkeeping and linking between records maintained by distinct offices**

Finding: The inquiry found that recordkeeping systems were insufficient and too susceptible to human error. Both the manual nature of some recordkeeping systems and the lack of connection between department information systems led to a failure to identify relevant prior records.

Recommendation: Continue roll out of Maxient software, purchased Spring 2016, which will link records between Residence Life, Student Conduct and AA/EO/Title IX (with confidentiality protections in place). It also will provide an online reporting option for members of the campus community to report instances of sexual misconduct.

Status: Offices on campus are in various stages of implementing the Maxient software for daily use and case management. And, as implementation moves forward, the university is expanding the use and functionality of this case management software and database. Further, USU has recently identified a need to not only implement Maxient for all current cases, but to also load into the database all prior cases in order to identify repeat offenders, potentially hostile environments, as well as other broader patterns in reported incidents. This effort is now under way.

## **5: Continue with already-implemented policy changes to improve investigation and disciplinary processes**

Finding: The inquiry found the university lacked a clear procedure for how to evaluate whether an investigation should move forward if a complainant chooses not to participate in an investigation, requests not to be identified to the respondent or witnesses to the incident, or requests that no action be taken against the respondent. Further, the inquiry concluded that while the Student Conduct office took what action it felt it could based on anonymous reports made to that office, all such reports needed to be reported directly to the Title IX Coordinator, recorded by that office, and evaluated for possible action, whether by disciplinary process and/or response to general trends.

Recommendation: Continue with revisions of policies and procedures so current practices are fully transparent and easy to locate. While balancing due process rights of the accused, develop a clear process for how to proceed when a victim is unwilling or unable to participate or when information about an incident is limited. Develop a standardized process for responding to anonymous reports of sexual misconduct, including where such reports are recorded, who responds to such reports, and how such reports are resolved.

Status: In October 2016, USU adopted a policy specific to evaluating victim requests for confidentiality and/or no disciplinary action. This policy requires a risk assessment that evaluates and balances the safety of the complainant and the campus community against the request for confidentiality and/or no university action. The policy also addresses anonymous reports and provides that such reports will be investigated as much as possible but that the university's ability to take action in response to anonymous reports is often limited. A report on these policies was provided to the Board of Trustees during the October 21, 2016 meeting. Currently, the AA/EO Title IX Office is working on consistent application and documentation of this risk assessment.

USU is currently in the process of revising and centralizing its policies on sexual misconduct. It is anticipated that this new policy will simplify the sexual misconduct investigation and discipline process and will better explain the process, resources, and options for individuals who have experienced sexual misconduct.

## **6: Address attitudes and campus culture regarding sexual misconduct**

Finding: The nature of the reports that were made to the university and the absence of reports to the university led the inquiry to conclude that the university needed to address barriers to reporting.

Recommendation: Expand efforts to address student attitudes regarding sexual misconduct and stigmas related to reporting sexual assault by a fellow student.

Status: Accurately identifying and removing barriers to reporting is a difficult issue to address. Consistent with the recommendation, USU has expanded its efforts to address student attitudes regarding sexual misconduct and stigmas related to reporting sexual misconduct. These efforts include increased prevention training, expanded bystander

intervention training, ongoing outreach events, fostering dialogue on issues related to sexual misconduct, supporting student-driven events and projects such as Aggie Heroes and student-developed videos and media campaigns, providing accessible education and information regarding healthy relationships, sex and respect, and partnering with our surrounding community on a Start by Believing campaign. These outward-facing efforts, as well as several publicly reported incidents, have elevated the visibility of this important issue.

The next phase for removing barriers to reporting will be focused on USU's internal structures. At present, USU is concerned that students and members of the campus community do not lose trust in USU's Title IX process or other support services for those who have experienced sexual misconduct. Thus, the university has been working to provide increased staffing and resources for the Title IX oversight and other interpersonal violence support services. Two new positions were added in 2017 and several new positions have been posted this summer. Most recently, the university has taken the significant step of reorganizing the AA/EO office and oversight of Title IX. Focusing on the core structure of its response and prevention system, USU will continue to strive to improve how the university prevents and responds to sexual misconduct and to develop a system that appropriately balances campus safety, victim empowerment and control, and due process.

#### **7: Improve relationships with local law enforcement and other community partners**

Finding: The inquiry found that communication protocols between local law enforcement agencies and the university regarding reported sexual assaults was inconsistent, informal, and led to the university failing to obtain information about reported assaults involving university students.

Recommendation: Continue to develop the appropriate chain of communication and other cooperative relationships with local law enforcement and other community partners.

Status: USU's new police chief and captain have built strong relationships with local law enforcement and continually work to foster cooperation and support on a number of cases, including cases involving sex crimes and stalking. Communication regarding sexual misconduct cases where USU students are involved has been greatly improved by USU transitioning to the same case management system used by all other local law enforcement. With USU and all local law enforcement on the same case management system, USU police and local law enforcement have worked collaboratively to develop a protocol to identify and track interactions with students in this system. This system-based approach to sharing information reduces the need to rely on frequently changing liaison assignments at a number of different agencies and missed communications that can result.

USU is also working to ensure that its investigation protocols include inquiring whether any relevant law enforcement records may exist and obtaining copies of such records.

#### **8: Continually evaluate effectiveness of USU's response to sexual assault in our campus community, including education, adjudication, and resources.**

Finding: The inquiry found the university needed to adopt best practices, such as campus climate surveys, in order to understand the campus climate towards issues related to sexual assault and to identify education and resource needs.

Recommendation: Conduct campus climate surveys and create forums that encourage candid discussion about USU's efforts to address the issues of sexual assault.

Status: In the spring of 2017, USU implemented a campus climate survey to learn more about the experiences of USU students with nonconsensual sexual contact, bystander intervention attitudes, and students' perception of university response to sexual misconduct. In response to this campus climate survey, USU has adopted an action plan to address several issues, including the low rate of reporting incidents of sexual misconduct. USU has also implemented a feedback button on its sexual misconduct website and developed a series of in-person focus groups to obtain feedback on its prevention and response efforts.